

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RYAN J. DIETERLE, :
: Case No. 1:22-cv-648
Petitioner, :
: Judge Jeffery P. Hopkins
vs. :
: WARDEN, Marion Correctional
Institution, :
: Respondent.

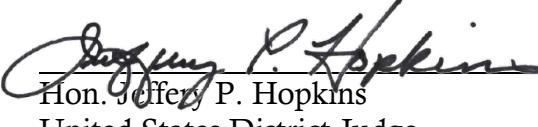
ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (Doc. 28) issued by Magistrate Judge Michael R. Merz on October 2, 2023. The Magistrate Judge recommends that Respondent's Amended Motion to Dismiss (Doc. 25) be granted and that Petitioner's Amended Petition (Doc. 24) be dismissed as time-barred. No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. See Fed. R. Civ. P. 72 (advisory committee notes) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the fact of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022). Accordingly, the Court **DISMISSES** the Amended Petition (Doc. 24) with prejudice and **CERTIFIES** that an appeal would be objectively frivolous and therefore Petitioner should not be permitted to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: July 2, 2024


Hon. Jeffrey P. Hopkins
United States District Judge